

UNITED STATES DISTRICT COURT

for the
District of New Mexico

In the Matter of the Search of
(Briefly describe the property to be searched
or identify the person by name and address)

One (1) clear saran wrapped, rectangular shaped box,
no name tag attached (Further depicted in attached
photograph)

Case No. **21mr6****APPLICATION FOR A WARRANT BY TELEPHONE OR OTHER RELIABLE ELECTRONIC MEANS**

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property (identify the person or describe the property to be searched and give its location):

One (1) clear saran wrapped, rectangular shaped box, no name tag attached (Further depicted in attached photograph) presently located at the DEA Albuquerque District Office located in the _____ District of _____ New Mexico, there is now concealed (identify the person or describe the property to be seized):

Cocaine, Heroin, Methamphetamine, Marijuana and/or Ecstasy

The basis for the search under Fed. R. Crim. P. 41(c) is (check one or more):

- ☒ evidence of a crime;
☒ contraband, fruits of crime, or other items illegally possessed;
☒ property designed for use, intended for use, or used in committing a crime;
☐ a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

Code Section	Offense Description
21 USC 841	Possession With Intent to Distribute Controlled Substances

The application is based on these facts:

See Attached Affidavit, which has been approved by AUSA Shana Long.

- ☒ Continued on the attached sheet.
☐ Delayed notice of _____ days (give exact ending date if more than 30 days: _____) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.

Jarrell W. Perry
Applicant's signature

Jarrell W. Perry, Special Agent
Printed name and title

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by
telephonically sworn and electronically signed (specify reliable electronic means).

Date: **Jan 4, 2021**

City and state: **Albuquerque, New Mexico**

Laura Fashing
Judge's signature

United States Magistrate Laura Fashing
Printed name and title

Attachment A

AFFIDAVIT IN SUPPORT OF APPLICATION

I, Jarrell W. Perry, being duly sworn, hereby depose, and state as follows:

I am a Special Agent of the Drug Enforcement Administration (DEA). I have been so employed since September, 1998. Prior to my employment with the DEA, I was a Police Officer for approximately six years. By virtue of my employment with the DEA, I am authorized to conduct investigations of violations of the Controlled Substances Act. Over the course of my twenty-eight years in law enforcement, I have been assigned to the DEA Albuquerque District Office Interdiction Unit for approximately 21 years and have been involved in over 1,800 seizures of illegal narcotics and United States Currency on Amtrak Trains, Airports, packaging services and various bus companies. I have also participated in and/or executed many search warrants involving various forms of luggage. I am currently assigned to the Albuquerque District Office Interdiction Group.

This affidavit is offered in support of an application seeking authorization to conduct a search for contraband contained in a clear saran wrapped, rectangular shaped box, no name tag attached, (hereinafter referred to as the SUBJECT PROPERTY). It is my belief that the SUBJECT PROPERTY currently contains evidence of violations of Title 21 United States Code, Section 841(a) (1), the manufacture, distribution and possession with intent to distribute a controlled substance. Because this affidavit is being submitted for the limited purpose of obtaining a search warrant, I have not included each and every fact known to me concerning this investigation. I have also relied on the experience and assistance of Albuquerque Police Department (APD) K-9 Detective Kelly Sinclair during this investigation.

BACKGROUND OF THE INVESTIGATION

On January 4, 2021, S/A Jarrell W. Perry, APD Detective James Montoya and APD K-9 Detective Kelly Sinclair were at the Greyhound Bus Station in Albuquerque, New Mexico to check the eastbound Greyhound Bus that makes a regularly scheduled stop in Albuquerque, New Mexico. S/A Perry boarded the bus prior to the passengers reboarding with destinations that are east of Albuquerque, New Mexico.

S/A Perry began speaking with passengers as they reboarded and sat down in their respective seats. S/A Perry approached a male, later identified as Christopher Anthony SANTIAGO, who was sitting in his respective seat on the Greyhound Bus. S/A Perry displayed his badge and identified himself as a police officer to SANTIAGO, and asked for and received consent to speak to SANTIAGO.

During the conversation with SANTIAGO, SANTIAGO said that he was traveling to New Jersey and began his trip in Phoenix, Arizona. SANTIAGO said that he currently lived in Tempe, Arizona. S/A Perry asked SANTIAGO if he had any luggage with him on the bus and SANTIAGO identified a black colored backpack that was sitting in the aisle seat directly beside him as belonging to him. S/A Perry asked for and received permission from SANTIAGO to search his backpack for contraband. A consensual search of SANTIAGO's backpack revealed a clear saran wrapped, rectangular shaped box concealed inside of a shirt. S/A Perry picked up the

box and observed various white colored suspected dryer sheets concealed inside of the clear saran wrapping and lying against the box.

S/A Perry knew from his 22 years of experience of working Interdiction in Albuquerque, New Mexico that dryer sheets are often used as masking agents for illegal narcotics. SANTIAGO said that he wrapped up the box in its current fashion and that the box contained a gift for his parents, specifically jewelry and items to make jewelry. S/A Perry asked SANTIAGO for permission to open up the box and SANTIAGO said no.

S/A Perry asked SANTIAGO for identification and SANTIAGO removed a wallet from the backpack and handed S/A Perry a New York identification card in the name of Christopher Anthony SANTIAGO with a Brooklyn, New York address. As SANTIAGO was handing S/A Perry his identification card, S/A Perry observed SANTIAGO's hand visibly shaking. S/A Perry reviewed the identification card and immediately returned it to SANTIAGO.

S/A Perry asked SANTIAGO if he would allow a narcotics canine to sniff his saran wrapped box for the odor of illegal narcotics and SANTIAGO agreed. S/A Perry continued speaking with other passengers and reapproached SANTIAGO. S/A Perry waived Detective Montoya back to the area where S/A Perry and SANTIAGO were located. SANTIAGO stated that he no longer wished to have a narcotics canine sniff his saran wrapped box for the odor of illegal narcotics.

Due to the totality of the circumstances, S/A Perry determined from his experience that SANTIAGO's saran wrapped box was being detained to allow a narcotics canine to conduct a sniff. S/A Perry informed SANTIAGO that his saran wrapped box was being detained in order for S/A Perry to allow a narcotics canine to conduct a sniff. SANTIAGO agreed to step off the


bus with Detective Montoya. SANTIAGO carried his backpack containing the saran wrapped box off of the bus. K-9 Detective Sinclair deployed his trained and certified narcotics canine on SANTIAGO's saran wrapped box. K-9 Detective Sinclair informed Detective Montoya that his narcotics canine alerted to the saran wrapped box for the odor of illegal narcotics. Detective Montoya attempted to handcuff SANTIAGO and SANTIAGO resisted. SANTIAGO fled on foot and was not able to be apprehended by Detective Montoya.

K-9 Detective Sinclair's narcotics canine was last certified on May 27, 2020 by the California Narcotics Canine Association (CNCA) to detect controlled substances including methamphetamine, cocaine, heroin, marijuana, ecstasy and their derivatives.

Based on the above listed facts listed throughout this affidavit, it is my belief that SANTIAGO has concealed within the SUBJECT PROPERTY controlled substances.

Wherefore, your Affiant respectfully requests that a search warrant be issued authorizing the search for the items outlined above.

This search warrant and supporting affidavit were approved by Assistant United States Attorney Shana Long.


Jarrell W. Perry, Special Agent
Drug Enforcement Administration

Electronically signed and telephonically sworn,
January 4, 2021, at Albuquerque, New Mexico



Laura Fashing
United States Magistrate Judge

